

## New-York Daily Tribune

THURSDAY, MAY 11, 1865.

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## NEWS OF THE DAY.

## Gold Closed Last Night at 129 3/4.

## THE WAR.

A revision of the regulations and forms of the Quartermaster's Department is demanded to meet the requirements of the service. A Board of Officers has been constituted to prepare forms and draft revised regulations, and also an explanatory manual for the consideration of the Quartermaster-General, and for submission to the Secretary of War for approval and promulgation.

Major-General Stoneman, commanding the District of East Tennessee, has issued an order to release all Rebel prisoners confined in jail at Knoxville, and give them their option of taking the oath of allegiance or going into some Rebel State, in accordance with the recent decision of Attorney-General Speed.

Germantown, near Memphis, has been troubled for the past year with guerrillas. The residents have determined to clear out these robbers. A few days since they caught three of them, and, after a hasty trial, hung them to a limb of a tree. They were young men from Mississippi.

On Wednesday of last week the notorious guerrilla leader, Duval McNairy, and eight of his men, were captured by a force of colored troops on Harpeth River, near the North-Western Railroad. The entire gang were shot by the negroes after their capture.

Rebel officers coming to Gen. Washburne's district in Tennessee, paroled from Gen. Lee's, Gen. Johnston's or Gen. Taylor's armies, will not be permitted to wear their uniforms or any badges to remind loyal persons of their treason.

Gen. Washburne, at Memphis, administered the oath to Rebel soldiers, but not to Southern officers or citizens, saying that it is too late to reap the benefit of the amnesty proclamation after maintaining an attitude of hostility for four years.

Gen. Grant has issued an order, sending all paroled Rebel soldiers who have taken the oath of allegiance, and who belong west of the Mississippi River, to the mouth of Red River, whence they can depart for their homes.

During the past month eight officers and 439 men, deserters from the Rebel army, were received at the office of the military prison in Chattanooga. Of this number 58 took the oath of allegiance to the United States.

Gen. Washburne has directed that the citizens of Tennessee who left their homes and sought refuge in the Rebel dominions, and have resisted all persuasions to return until now, will not be allowed to come to Memphis.

About 1,000 Rebel prisoners are at Vicksburg awaiting delivery to the Rebel Bureau of Exchange. The *Wig* thinks they will be sent home with an injunction to remain there.

The *Vicksburg Herald* says that points in the interior of Mississippi will be immediately occupied by our troops, so as to surprise guerrilla bands and preserve order.

Jefferson Davis was at Powelson, Hancock County, Georgia, on Friday night last. Gen. Wilson has posted handbills announcing the reward for his capture, and scattered them through the country.

The terms of amnesty to deserters offered by a Proclamation of President Lincoln will not now avail as the sixty days expired yesterday.

Commander a Bryson has been appointed Fleet Captain of the Mississippi Squadron.

## FOREIGN NEWS.

By the arrival of the Asia at Halifax, we have two days later news from Europe.

The attention of all Europe was absorbed by the news of President Lincoln's assassination. The Governments of England, France, Austria, Prussia, and Switzerland have forwarded addresses of condolence to the American Government and to Mrs. Lincoln.

Appropriate resolutions were passed by the Representative Assemblies of Austria, Prussia and Italy, and in England by meetings held in all the large cities.

All the leading papers of Europe acknowledge that the manifestations of sympathy shown with the great loss of the American people was something without precedent in European history.

## GENERAL NEWS.

The Common Council met yesterday afternoon and received from the Mayor an announcement of the death of Councilman Wm. A. Taylor. Suitable action was taken. The "tax levy" that has been adopted by the Legislature for the city government came before the Aldermen, who appointed a committee to confer with a similar committee of the Councilmen for the purpose of considering the items of the bill.

Frederick Garnier, who was arrested at Syracuse, New-York, on suspicion of having murdered Mr. Burr Burton, has been discharged. The coroner's jury, of high Lieut. Governor Alford, a friend of the deceased, was foreman, exculpated him from the crime.

Col. L. C. Baker has had photographs of Davis, Tucker, Clay, Sanders, Cleary, and Thompson, with full descriptions of their stature, hair, eyes, &c. prepared on large hand-bills, stating the price set upon the head of each one, and their crime of being accessories to the assassination.

On the night of May 5 the Cairo express train on the Ohio and Mississippi Railroad was stopped, thrown from the track and robbed near North Bend, not more than 14 miles from the city first named, by a party of 30 guerrillas from Boone County, Kentucky.

Shortly after 4 o'clock yesterday morning the propeller Edward L. Clark of Philadelphia caught fire while lying at the dock at the foot of Fifth-st., East River. All efforts to extinguish the flames were unavailing, and she was burned to the water's edge.

The civil machinery is already being put into operation in Virginia. The State has just been divided into four districts, and the Secretary of the Treasury has appointed the requisite number of Assessors and Collectors.

In the case of Miss Harris on trial at Washington for shooting her lover in the Treasury Department, the Court yesterday ordered an adjournment to next term in consequence of the absence of important witnesses.

Dispatches from Indianapolis say that Bowles, Milligan and Hervey, leaders of the Sons of Liberty, who were convicted of treasonable conspiracy some months since, are to be executed on the 19th inst.

The Chamber of Commerce will hold a special meeting to-day, at one o'clock, to consider the report of

the Special Committee on Confiscation of Cotton in the Southern States by the Government.

The trial of the assassins was continued yesterday with closed doors. It is understood, however, that the case of Harwood was under consideration and considerable progress made.

The sheep show now being held at Canandaigua is a success. There are over 100 exhibitors, who have on exhibition over 600 head of valuable sheep, mostly American merinos.

The treasurer of a large mechanical establishment in Boston had Cumberland coal, for which \$20 a ton was asked two months ago, offered to him a day or two since for \$10.65 a ton.

Considerable discussion is excited by the significant fact that Gen. Grant and staff dined in Washington on Tuesday with M. Romero, the Minister of the Mexican Republic.

The steamship Africa sailed at nine o'clock yesterday morning, with 23 passengers for Halifax and Liverpool. She takes out \$270,197 in specie.

No military passes will hereafter be required of citizens traveling over the Louisville and Nashville Railroad.

Gold opened yesterday at 135 1/2, and under large sales fell to 131 1/2. From this point it rallied to 133 1/2, and closed at 134 1/2. The extreme of the day was 131 1/2 to 135 1/2. Government stocks continue in demand at an advance on yesterday's rates. The large subscriptions to the 7-30 Loan have given new confidence in the entire gold-bearing series. Rail way shares upon the street are quiet steady, but at the Board there was a general rush to sell, under fear of a more active money market, to be produced by the enormous sales of 7-30 notes. At the Second Board prices were steady, and in the street the market was active. Erie sold at 77 1/2, closing at 77 1/2. The market closed dull, with a tendency to lower prices. Money is not quoted dearer, but there is more activity and less inclination to accept extreme low rates. Exchange is quoted firmer, and leading houses are held at 110.

The subscriptions to the Seven-Thirties yesterday amounted to considerably over *Seven* Millions. Perhaps the most significant feature of this magnificent manifestation of popular confidence in the Republic is the fact that very nearly twelve thousand individual subscriptions were received of fifty and one hundred dollars each.

An important order from the President is this morning published, removing restrictions upon trade and commerce in certain of the insurrectionary States. An order from the Treasury Department accompanies it, establishing the rules under which such trade may be carried on and enumerating such articles as it is not yet deemed proper to permit to be carried into those States. It is an important measure of "Reconstruction," and will give a new impetus to Northern industry.

The old North State seems to be wheeling back into the Union in good earnest. Large and enthusiastic Union meetings have been held in Goldsborough, Snow Hill, Kinston, Smithfield, Wilson and many other places. Prominent men in all the counties are taking an active part in this movement, and the leading papers of the State are heartily supporting it. The decision of the Government not to recognize Gov. Vance is generally approved by the Unionists. W. W. Holden, the editor of *The Raleigh Standard*, seems to be selected by the majority of the Unionists as their candidate for Governor. The discussion of Slavery is yet avoided in the Union papers and meetings; but *The Standard*, the chief organ of the Unionists, declares that it regards the question as settled; that the institution of Slavery is gone; that it could not save the institution if it would. It is safe to say that this view will be generally concurred in by the party, and there is good reason for hoping that gradually the anti-Slavery sentiment may also increase in strength, and that North Carolina, on the meeting of its Convention, will follow the example of Maryland, West Virginia, Missouri, Tennessee and Louisiana, and adopt the Constitutional Amendment abolishing Slavery.

SECRET MILITARY TRIALS.

There is a curious old document in existence, known as the Constitution of the United States, which formerly had the force and effect of law in that large portion of our country not specially dominated by the Slave Power. Under the rule of our present Cabinet, it seems to have gone out of fashion; and, since Mr. Stanton's accession to the control of the War Department, it has become practically obsolete. Legal citizens did not much mind this while Civil War convulsed the country, threatening the permanent overthrow of our Liberty and Nationality; but, now that the War is practically ended, it seems high time that the old parchment were exhumed and treated with some show of respect.

There being, apparently, no copy extant in the Federal City, we quote from one in our possession, for the instruction and admonition of our magistrates, certain Amendments proposed by the States when ratifying the instrument, which, being duly approved and adopted, became an integral part of our fundamental law—as follows:

ART. V. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall he be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

ART. VI. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ART. VII. In suits at common law, wherein the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States as we find them, although the verdict may have been against the law.

ART. VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

—We have made our citations full, not merely in deference to the apparent inaccessibility of the document at Washington, but because we wished every reader to see that the passages we have placed in *Italics* are not garbled or picked, but that they are of the essence and vitality of the Constitution itself. Being so, how can we justify, or excuse, or even keep silence with regard to, the Military Trials just initiated at Washington? A miscreant, acting in concert with other assassins, has attempted the life of the Secretary of State, and, though his purpose was defeated, he nevertheless severely wounded Gov. Seward, his oldest

son, and two or three others who nobly resisted him. Of course, this villain and his confederates should be sternly dealt with; but why not according to law? What reason, what excuse, can be urged, to justify the sending of this case before a Court-Martial and having it tried in secret? How can such a trial be reconciled with the plain provisions of the Constitution above quoted?

As to the Military trial of those who conspired with Booth to assassinate the President, and aided to achieve that fell purpose, the outrage is not quite so flagrant; but such trial is at best a blunder, while enshrouding it in secrecy is utterly indefensible. To try a doctor for his life, because he set a stranger's broken bone and gave, or sold, or lent him a pair of crutches, may just do; but to try him in secret allowing no report of the testimony but such as the prosecution sees fit to make, is nothing less than abominable. Two months ago, it would have been endured for the country's sake; now, there is no reason that it should be. We warn all who take any voluntary part in these strange proceedings that the Rebellion is suppressed, the War at an end, and the right to suspend the privilege of habeas corpus and make the will of a Secretary of War the supreme law of the land, has expired. If our present Secretary cannot be made to realize these grave truths, it is high time he had a successor; and if our Attorney-General believes the assailant of Secretary Seward now "legally triable before a Military Commission," he badly needs his own time for the completion of his legal studies, while the Government needs a different law officer. There may be politer ways of setting forth these convictions, but none of these would do them justice.

Gentlemen of the Cabinet! The War eastward of the Mississippi is ended; the Rebellion is suppressed; the Union is re-established, and Peace virtually restored; wherefore the People demand of you a speedy and thorough return to the safe and orderly ways of Law and Liberty. Do not compel them to speak in tones that you cannot refuse to hear!

MR. LINCOLN'S TOMB.

The public has a confused understanding of the fact that there was an earnest struggle over the final resting-place of the mortal remains of Abraham Lincoln, which was not terminated till the day of their interment; but it is not so well known as it should be that there was never any division or hesitation on the part of his family, who were uniformly averse to his burial alone in an eight-acre square in the center of Springfield, but insisted that his dust should mingle with its kindred clay in the public cemetery two miles from the whirl and roar of traffic, and not be made the chief advertisement of a smart and growing city. Robert Lincoln did not decide the point, as some of the reports have indicated; he simply announced the unanimous and unchangeable resolve of the family that the ashes of him they loved should repose in a cemetery—that of Springfield, if that were allowed; if not that, in some other. While doing justice to the liberality and public spirit which dictated the purchase of an eight-acre lot for the tomb, at a cost of \$55,000, we must say that the decision of the family seems to us that which good taste and right feeling would naturally prompt. And the monument to Mr. Lincoln will rise over his remains in Oak Ridge Cemetery.

BREAK THE SERPENT'S EGG!

The *Daily News*, in the course of a labored presentation of "The Rights of the South," intended to commend the exercise of humanity and magnanimity to the victors in our great struggle, says:

"The *independence* of the States of the South is admitted to hold, in some form or other, by all shades of Constitutional opinion. That fact alone removes the case of the people of the South out of the sphere of the ordinary cases that have constituted the principles governing the treatment of unsuccessful rebellion."

—We think not, and trust *The News* will reconsider this position. It is one that is eminently calculated to prejudice the cause in whose behalf it is urged.

What is called "the South"—that is the Slave Power—is thoroughly beaten, and frankly owns it. There never was a more complete defeat nor a franker confession of it. On this point, the testimony is consistent and overwhelming. In addition to the volumes we have already published, take the following report by a *Herald* correspondent of a talk on the 24 inst. at Greensborough, N. C., with Lieut.-Gen. Hardee, one of the ablest and most distinguished Rebel leaders throughout the conflict:

Gen. Hardee received me in a very cordial, generous, unreserved manner. He and I talked freely on all subjects of interest at the present time. In speaking of the war, he made this remarkable assertion: "Sir, I accept this war as the providence of God. He intended that the slave should be free, and now he is free. Slavery was never a just institution. I have often told my friends so. For instance, my wife owned about 100 negroes; 40 of the 100 were useless for work, yet she had to feed these 40 in order to get the work of the other 60. The negro would be worse off for this war than he was before. He would have to work for his food and his clothes half-a-dozen little children in order to get the work of a man and woman. Sir, our people can pay the working negroes a fair compensation for their services, and let them take care of their own families, so that they will not be much left at the end of the year as we had under the old system."

"General, do you think we will soon have real peace?"

"No, I think the people of the South are anxious for it. They wanted it two years ago. I then saw that our cause could not succeed."

"Will we not have guerrilla warfare?"

"So help me God, sir, if we do, I am willing and ready to fight to the death for this war."

"Is the same sentiment entertained by the other general officers who have been in the Confederate service?"

"It is. I have not the slightest doubt but that they will use every means they can command to bring quietness and security to the land. They will in no way support those who do not obey the laws."

"How will it be in the South Carolina?"

"South Carolina is the worst whipped State in the Union."

"It will not be leading spirits control the masses?"

"No, they are crushed. She has no leading spirits now. Let me impress it upon you that the people of the South want to live in peace with the people of the North, and you will find they will do it. They will do it cheerfully, provided your Government does not resort to such measures. If it does resort to such measures, I cannot answer for the consequences. We staked our all on the success of our arms, and they failed us; and now we are willing to return to and live under the laws of the United States as we find them, although they may not be as we would desire to have them."

—Here is manifested a spirit which every generous mind must respect. The South, so called, is beaten, and acknowledges the fact. Slavery has made an issue of life and death with the Union, been worsted, and submits to the decree of Providence. Gen. Hardee says "the people of the South want to live in peace

with the people of the North, and will do it—will do it cheerfully, if the Government does not resort to harsh measures." This is language that all can understand, and it appeals forcibly to same statesmanship, as well as every magnanimous impulse of the human heart. We feel sure that it cannot be permanently withstood.

But to fall back on "State Rights," as even a partial justification of the Rebellion, is a very different matter. It opens an endless vista of turmoil and instability, of anarchy and future rebellions. For "State Rights" cannot excuse or palliate the late desperate effort for Disunion without excusing future efforts in the same direction. Those rights—as defined by the Federal Constitution—are as vital, as potent to-day as they were in 1660 or ever. If they afford any excuse for forcibly resisting the Federal Government, we cannot rationally hope evermore to be secure against intestine commotion and civil war.

No Slavery itself is no more dead in this country than is the evil spirit of "paramount State Rights," evoked from that Pandora's box, "the Resolutions of '98." If, as Mr. Jefferson most mistakenly asserts in those famous resolves, each State, as an original party to the compact called the Constitution, has a right authoritatively to determine for herself when the Federal Government has transcended its delegated powers,—nay, "to judge for itself, as well of infractions as of the mode and measure of redress"—then we are all at sea, without rudder or pilot, or, what is the same thing, with thirty or forty independent pilots, each having "paramount" authority to steer the ship whithersoever he will. If this is indeed the doctrine of the Constitution, then we have sacrificed a million lives and five billions' worth of property for a Government not worth a tithe of them.

The *News* should observe that its covering is too short for the exigency. "Paramount State Rights" might help the case of Jeff. Davis and Lee, but would leave Breckinridge, Ould, Buckner, Gilmer, &c., out in the cold—their States having never pretended to secede. Yet our Government cannot afford to regard one set as more culpable than the other.

"Paramount State Rights" were the shield and fortress of Slavery, (though the Abolitionists could also invoke them on occasion.) Slavery being dead, and Abolition about to follow, "Paramount State Rights" should be tumbled into the same ditch, to save the expense of an extra funeral. "Age is superfluous," as Lear says rather bitterly but aptly. Let us close up our great controversy in such manner and on such principles that our children's children shall not live to see such another.

FROM WASHINGTON.

Special Dispatch to The N. Y. Tribune.  
 WASHINGTON, Wednesday, May 10, 1865.

THE CAVATRY.

An important order has been issued by the War Department to the effect that "All volunteer soldiers of the cavalry arm whose term of service will expire prior to Oct. 1, 1865, will be mustered out and discharged the service of the United States."

The Paymaster-General is ordered to make immediate payment to men so discharged. All cavalry remaining in service after such discharge will be consolidated in the complete maximum organization. Organized from the same State will be consolidated with each other. Supernumerary officers will be mustered out upon such consolidation.

The officers to be retained will be selected by Army and Department Commanders. Horses and other public property thus rendered surplus, to be turned over to the proper officer. Commanders are charged with the prompt execution of this order.

DISMISSALS.

The contemplated reduction of forces in the field and the virtual end of the war brought a dismissal to 26 officers in the Ordnance Bureau to-day, and a large number will meet a similar fate next week.

OLD CAPITAL PRISONERS.

It is stated that persons confined in the Old Capital have been taken out upon the orders of subordinate officers. In the future no prisoners will be released from the Old Capital or Carroll prisons, no matter by whom committed, without an order to that effect signed by the General Commanding the Department of Washington.

Lieut. Col. N. T. Colby, 19th Regiment Veteran Reserve Corps, has been appointed military Superintendent of these prisons. He is charged with their general control and management, and with the custody and preservation of all books and records pertaining to prisoners confined there.

GEN. INGALLS.

Gen. Ingalls, Chief Quartermaster of the Army of the Potomac, is to establish his headquarters in this city, the effects of his office having arrived here this morning from City Point.

SOME fifty of the Methodist ministers of this Conference, now in session at Georgetown, called to-day to pay their respects to the President. The chairman assured the President of their cordial sympathy and cooperation, and of their prayers that God would preserve his life and direct his steps.

The President replied briefly, thanking them for their kind assurances, and adding that for success during his administration he should look only and constantly to God. For an indication of his intentions he referred them to the addresses he had already made.

TUMBLITY.

Dr. Tumbly alias Blackburn, Chief of the Rebel department for the importation of yellow fever, has been brought to this city and is lodged in the Old Capital Prison. He is just as vain, gaudy, dirty and disgusting as ever. He wears the same stunning clothes, and it is widely suspected that by collusion with others, he procured his own arrest on this singular allegation, in order to add a little to his already disreputable notoriety.

VOLUNTEER OFFICERS.

The War Department has decided that officers of Volunteers below the rank of Brigadier-General, who have been or may be discharged, under the provisions of General Orders 70 and 82 of May 1 and 6, 1865, issued from the War Department, and have continued in the military service until the close of the war, and are therefore entitled to three months pay proper, authorized by section four of the act of Congress approved March 3, 1865. The benefits of the same act will be extended to volunteer officers below the rank of Brigadier-General, who may hereafter be discharged by honorable muster out with their regiments or otherwise, in consequence of the Government no longer requiring their services.

PAY DURING CAPTIVITY.

It has been decided by the Second Comptroller of the Currency, that an officer captured by the enemy is entitled, during his captivity, to the same pay, subsistence, and allowance to which he may be entitled while in the service of the United States. The pay, subsistence, and allowance thus granted are such as pertain to his position and grade as an officer, and are not accidental or dependent on the will of another.

A Captain or Lieutenant in the actual command of a company at the time of his capture, and thus entitled, under law of March 2, 1857, to \$40 per month for responsibility of arms, etc., would not be entitled to a continuation of this additional pay during his captivity, as that would of course devolve on his successor in command, from the time of whose appointment and consequent increase of day depend upon the will of the General appointing him, any are liable to be withdrawn at any moment, whether he be captured or not. As a general rule, some other officer takes the place of the captured officer, and the captive is entitled under the law only to the pay, subsistence and allowance attached to his lineal rank.

MISS HARRIS.

The trial of Miss Harris, charged with shooting a clerk in the Treasury Department, was resumed to-day, but in the absence of material witness for defense, the case was adjourned to next term of the Court. The accused is in poor health.

PERSONAL.

Capt. D. W. H. Day, A. Q. M., of Ohio, has been promoted to Lieut.-Colonel, and by special request assigned to duty with Major-General Cox, commanding Twenty-third Army Corps, now in